



CITY OF DULUTH
Community Planning Division

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File Number	PL17-103		Contact	Kate Van Daele, kvandaele@duluthmn.gov	
Type	Shoreland Variance		Planning Commission Date	September 12, 2017	
Deadline for Action	Application Date	July 3, 2017	60 Days	September 1, 2017	
	Date Extension Letter Mailed	August 15, 2017	120 Days	October 31, 2017	
Location of Subject	4814 London Road				
Applicant	David & June Larsen		Contact		
Agent			Contact		
Legal Description	All of Lot 10 & WLY 2.7 Feet of lot 11 Block C				
Site Visit Date	August 30, 2017		Sign Notice Date	August 29, 2017	
Neighbor Letter Date	August 30, 2017		Number of Letters Sent	23	

Proposal

Applicant requests a variance to construct a stairway accessory structure to provide access to Lake Superior. The stairway would start 80 linear feet from the ordinary high water mark, descend 27 vertical feet in two sections, and end 25 feet above the ordinary high water mark. The applicant intends to use the accessory structure to access the lakeshore. The proposed stairway is entirely within the 50' general development waters Shoreland setback.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Residential
North	R-1	Residential	Traditional Residential
South	R-1	Residential	Traditional Residential
East	R-1	Residential	Traditional Residential
West	R-1	Residential	Traditional Residential

Summary of Code Requirements

Sec. 50-18.1 – Minimum Shoreland Area Standards: Maintain a 50' setback from general development waters.

Sec. 50-37.9. D- Variance Procedures: "The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9.C-M..."

Sec. 50-37.9. C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Sec. 50-37.9.L. – Standards for Variance in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D. or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Traditional Residential Future Land Use: Characterized by a grid or connected street pattern, house oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhoods extensions, and new traditional neighborhood areas.

Shoreland setbacks were introduced in the UDC in 2010, as a replacement to the Water Resources Management Ordinance (WRMO). The WRMO limited impervious surface as a way to reduce water run-off sedimentation of the water ways, and the increase in temperature of cold-water streams, which is determined to trout.

The applicant mentions in their narrative that several neighboring properties have stairs leading to Lake Superior. It is not known as to when these structures were created and installed, and based on shoreland variances standards today such structures would not be permitted.

Review and Discussion Items

Staff finds that:

- 1) The applicant requests a variance to construct a stairway accessory structure that will start 80 linear feet from the ordinary high water mark, descend 27 vertical feet in two sections and end 25 feet above the ordinary high water mark. The applicant intends to use the accessory structure to access the lakeshore. The proposed stairway is entirely within the 50' general development waters setback.
- 2) The house features a single family house, built in 1995. The house is 1,762 square feet and has five bedrooms and three bathrooms. The lot is 100' x 300' feet. The applicant bought the property in June of this year.
- 3) The property has a large deck off of the back of the home facing Lake Superior, providing views and reasonable use of the lake in a manner comparable to nearby properties; direct access to Lake Superior is unusual and in some cases, dangerous, due to the physical characteristics of the lake. If the variance is denied, it would not deprive the applicant of substantial property right.
- 4) The requested variance is not necessary for the preservation and enjoyment of a substantial property right. The application does not demonstrate a need for the proposed variance except to serve at the convenience of the applicant. The application does not demonstrate a practical difficulty that would require a variance to enjoy the use of the property.
- 5) The requested variance, if granted, may result in negative environmental impacts to the City and to Lake Superior.
- 6) The requested variance, if granted, will impact the view of the Duluth shoreline from the waters of Lake Superior.
- 7) No comments were received by the public, agency or City comments have been received.
- 8) The application and proposed variance are contrary to the intent of the Comprehensive Plan. The proposed expansions of the property to improve safety and increase property values are not supported by the adopted criteria of the UDC for the approval of a shoreland variance.

Staff Recommendation

Based on the above findings, discussion, and inclusive of all supporting documentation in planning case file PL17-103, staff finds that the proposed variance does not meet the criteria established in UDC 50-37.9. and Sec. 50-18.1.D. and recommends denial.

J-2

Legend

- Bike
- Multi-Use - Paved
- Mountain Biking and X-Country Skiing
- Climbing
- Trout Stream (GPS)
- Other Stream (GPS)
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin



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City Planning

4814 London Road- Future

Legend

- Bike
- Multi-Use - Paved
- Mountain Biking and X-Country Skiing
- Climbing
- Trout Stream (GPS)
- Other Stream (GPS)
- Future Land Use**
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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Aerial photography, flown 2016

Prepared by: City of Duluth Planning Division, August 12, 2017. Source: City of Duluth.



City Planning

4814 London Road Neighborhood

Legend

- Bike
- Multi-Use - Paved
- Mountain Biking and X-Country Skiing
- Climbing
- Trout Stream (GPS)
- Other Stream (GPS)

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4814 London Road

0 600 1,200 Feet

4814 London Road

CONNECTEXPLORER

map: Auto (Oblique) > Dates: All < image 1 of 27 > 04/26/2016

map: > Dates: All < image 1 of 15 > 04/26/2016

Search

Search by Address >

4814 London Road, Duluth, MN

Search results (1)

Options >

4814 London Rd, Duluth, MN 55804-2407

20 ft 10 ft 5 m

CONNECTEXPLORER™

File Edit View Favorites Tools Help

https://explorer.eagleview.com/index.php

CONNECTExplorer™

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From the West

The screenshot displays the CONNECTEXPLORER web application interface. At the top, the browser address bar shows the URL <https://explorer.eagview.com/index.php>. The application header includes the text "CONNECTEXPLORER" and a menu with options: File, Edit, View, Favorites, Tools, and Help. The main content area features an aerial satellite view of a river with a dam structure. A blue line is drawn across the map, connecting a point on the dam to a point on the right bank. A search bar on the left side of the map contains the text "4814 london road, duluth, mn" and shows "Search results (1)" with a link to "4814 London Rd, Duluth, MN 55804-2407". The bottom status bar contains the text "map: Auro (Oblique) > Dates: All > < image 1 of 27 > 04/26/2016" on the left and "map: - > Dates: All > < image 1 of 15 > 04/26/2016" on the right. Navigation and zoom controls are visible in the bottom right corner.

J-7

From the North

CONNECTEXPLORER

Search by Address
4814 london road, duluth, mn

Search results (1)
4814 London Rd, Duluth, MN 55804-2407

map: Auto (Oblique) Dates: All < image 1 of 19 > 04/26/2016

map: Auto (Oblique) Dates: All < image 1 of 15 > 04/26/2016

Workspaces

© 2016 Esri

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From the South



J-9

From the East

The screenshot displays the CONNECTEXPLORER web application interface. At the top, the browser address bar shows the URL <https://explorer.eagview.com/index.php>. The main content area features an aerial photograph of a river with a blue boundary line overlaid on it. The boundary line starts on the left bank, follows the river's edge, and ends on the right bank. The interface includes a search bar at the top left with the text "Search by Address" and "4814 london road, duluth, mn". Below the search bar, it shows "Search results (1)" for "4814 London Rd, Duluth, MN 55804-2407". The bottom of the screen contains a navigation bar with "map: Auto (Oblique)", "Dates: All", "image 1 of 28", "04/26/2016", "map: -", "Dates: All", "image 1 of 15", "04/26/2016", and "map: Auto (Oblique)".

J-10

Variance Supplement PL17-103

1. There is a high bluff above the lakeshore, much of which lies within the 50-foot setback from the high water mark. A stairway, to allow safe shore access, would not comply with strict application of the UDC.
2. The bluff is a natural part of the property.
3. This piece of property, and the neighboring properties, have similar issues with shoreline access. Ease of Shoreline access varies along the lake.
4. This stairway will allow us fuller, safer use of our entire property. Our personal use of the shoreline will be in line with all regulations and codes.
5. The stairway design is open, with aluminum frame, and translucent, perforated stair treads. These treads will allow water penetration, and the design and materials will have a minimal effect on light penetration. The stairway will not be visible to the neighbors, and will be only partially visible from the lake.
It will not have any effect on the public at large. It will improve safety, and likely improve property values in the area by improving the value of this property.
6. The stairway, as designed, will have minimal impact on the setback area. Many neighboring properties have stairways, so it will not alter the character of the area.

The variance requested for the stairway, built and installed by a company with recent experience building similar stairways, including in Duluth, is designed to minimize shore land changes, and will enhance access necessary to mitigate bank erosion.

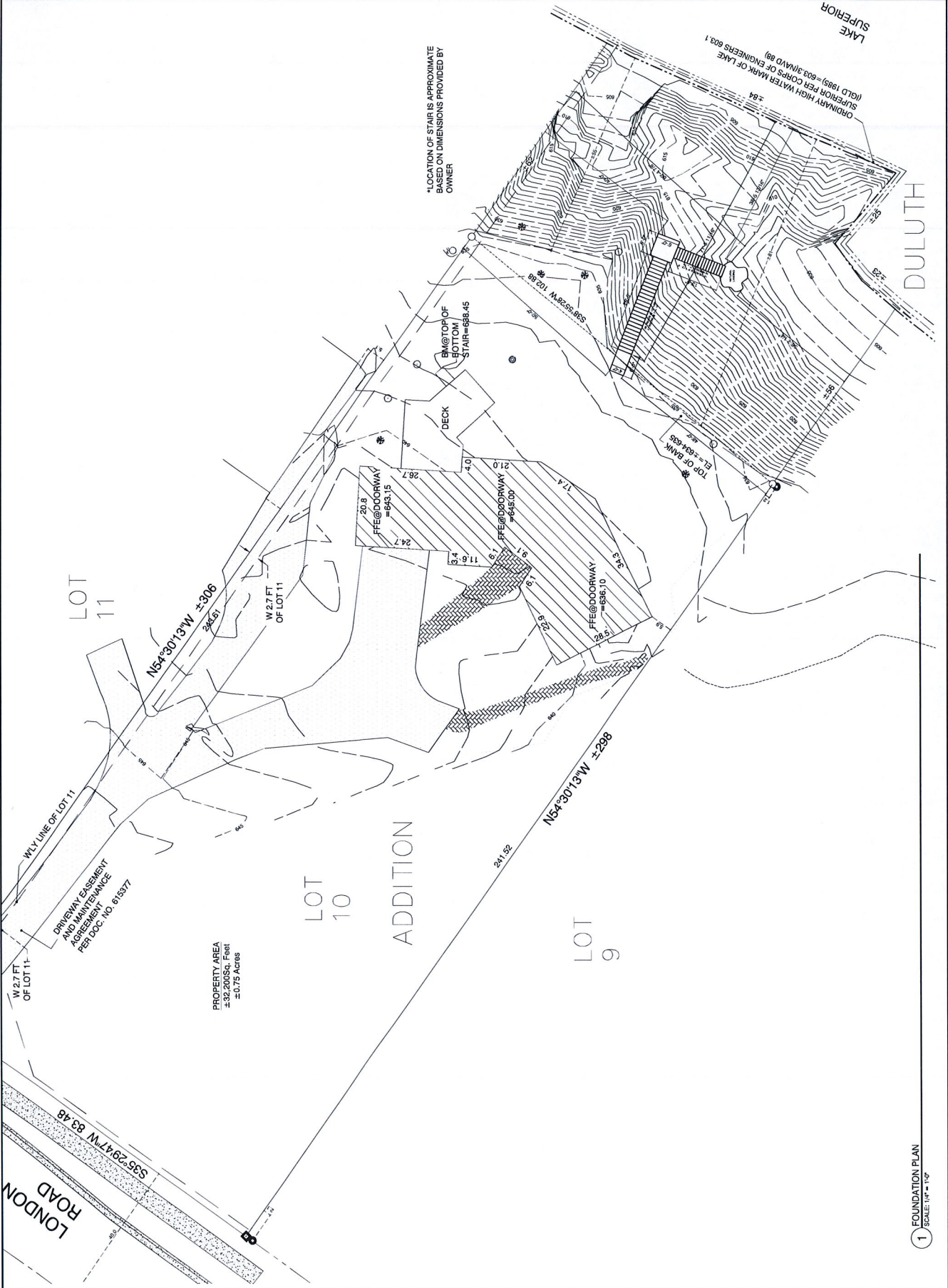


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LARSEN STAIRWAY
 4814 LONDON ROAD
 DULUTH, MN 55804

REVISION	DATE

SITE
 PK:
 CD: 2017
 08/22/2017



1 FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"

0-12

Date: 8/4/2017

Proposal to Create a Native Landscape at the Larsen Residence Duluth, MN

Prepared for:
Dave Larsen

Prepared by:
Jeff Stedman
Site Manager
763-631-9430
jstedman@prairieresto.com

Project Area:
TBD

Prairie Restorations, Inc. 

Boreal Natives Office
110 East Highway 61
PO Box 323
Esko, MN 55371

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A. Company Background: <http://www.prairieresto.com/mission.shtml> (Follow the blue links to learn more)

Prairie Restorations, Inc. (PRI) has been dedicated to the restoration and management of native plant communities for over 40 years. We are fortunate to have worked with thousands of clients on a wide variety of projects in both the public and private sectors throughout the Upper Midwest.

The PRI Team is committed to and passionate about protecting and enhancing our valuable natural resources. It is this dedication that is brought to each and every one of our projects. We are proud to offer the best expertise, services and products available in the industry and appreciate the opportunity to provide you with this proposal.

B. Project Overview:

1. In an effort to stabilize existing slope following installation of staircase going down to the lakeshore, all exposed soil will be planted with the native species listed below. Seed, plants and shrubs will be utilized to establish all disturbed areas. Along with plantings, suitable erosion control products will be installed. Quantities will be determined following installation of staircase.

C. Seed Mixes

Grass Seed	lbs. / project area
-------------------	----------------------------

Little bluestem (*Schizachyrium scoparium*)

Northern upland meadow grass mix (*bulk wt. % unless noted*)

35% Poverty oat grass, 30% bearded slender wheat grass
16% Canada Wild Rye (pls), 10% Big Bluestem (pls),
5% Fringed brome, 2% Bluejoint grass (pls),
1% Caterpillar sedge, 1% Many-flowered wood rush

Note: A cover crop of oats will be sown along with the native grasses at a rate of approximately 25 lbs. per acre. Oats is an annual grass species that germinates quickly and will reduce the risk of soil erosion on the site.

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Wildflower Seed

oz. / project area

Northern upland meadow flower mix:

12% Black-eyed susan, 10% Common ox-eye,
10% Blue vervain, 10% Large-leaved aster,
9% Gray goldenrod, 7% Early Goldenrod,
6% Golden alexanders, 6% Fragrant giant hyssop,
4% Wild bergamot, 4% Flat-topped aster,
4% Tall meadow rue, 3% Common milkweed,
3% Fireweed, 3% Grass-leaved goldenrod,
3% Stiff goldenrod, 2% Joe-pye weed,
2% Northern bedstraw, 2% Yarrow,

D. Erosion Control: http://www.prairieresto.com/installation_erosion.shtml

1. Cover crop will be sown along with the native grasses.
2. Straw erosion blanket (S150 BN or equivalent) will be applied as per manufacturer's directions to the entire area of the project.

E. Plants and Planting:

1. Immediately following the implementation of any erosion control measures, the planting will be further diversified with native wildflower plants (4" potted plants). These will be planted individually in appropriate microhabitats throughout, or in designated areas of the project.

Wildflowers

<http://www.prairieresto.com/CategoryList.php?cID=10>

Pearly everlasting (*Anaphalis margaritacea*)
Fragrant giant hyssop (*Agastache foeniculum*)
Columbine (*Aquilegia canadensis*)
Lindley's aster (*Symphotrichum ciliolatum*)
Harebell (*Campanula rotundifolia*)
New Jersey tea (*Ceanothus americanus*)
Grass-leaved goldenrod (*Euthamia graminifolia*)
Northern bedstraw (*Galium boreale*)
Long-leaved bluets (*Houstonia longifolia*)
Common ox-eye (*Heliopsis helianthoides*)

Alum-root (*Heuchera richardsonii*)
Wild bergamot (*Monarda fistulosa*)
Prairie cinquefoil (*Potentilla arguta*)
Wineleaf cinquefoil (*Sibbaldiopsis tridentata*)
Meadow rose (*Rosa blanda*)
Black-eyed Susan (*Rudbeckia hirta*)
Gray goldenrod (*Solidago nemoralis*)
Upland goldenrod (*Solidago ptarmicoides*)
Stiff goldenrod (*Solidago rigida*)
Golden alexanders (*Zizia aurea*)

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Grasses and Sedges

<http://www.prairieresto.com/CategoryList.php?CID=12>

Poverty oats grass (*Danthonia spicata*)
Canada wild rye (*Elymus canadensis*)
Slender wheatgrass (*Elymus trachycaulum*)
Little bluestem (*Schizachyrium scoparium*)

Shrub Species

Bush honeysuckle (<i>Diervilla lonicera</i>)	gal
Old field juniper (<i>Juniperus communis</i>)	gal
Meadow rose (<i>Rosa blanda</i>)	gal
Snowberry (<i>Symphoricarpos alba</i>)	gal

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